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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,423	09/24/2003	Rudiger Gorny	PO-7871/LeA 36,198	5077
157	7590	08/08/2006	EXAMINER	
BAYER MATERIAL SCIENCE LLC 100 BAYER ROAD PITTSBURGH, PA 15205			SANDERS, KRIELLION ANTIONETTE	
			ART UNIT	PAPER NUMBER
			1714	
DATE MAILED: 08/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,423

Applicant(s)

GORNY ET AL.

Examiner

Kriellion A. Sanders

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 7-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/19/2006 has been entered.

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The claims now recite a transparent molded article. Applicant suggests that this new limitation is supported by the specification at page 17, table 2 which shows that the presently claimed compositions when molded into articles had a light transmittance of 87.0%, 86.2%, 65.0% and 65.2% at 6300 hours of weathering. The specification does not provide sufficient data to correlate these light transmittance readings to a degree of transparency. Therefore, the specification fails to provide proper antecedent basis for the claimed subject matter.
2. The amendment filed 5/19/2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The claimed recitation to a transparent molded article.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fagerburg et al, US Patent No. 5783307 in view of Gunther et al, US Patent No. 4,129,412, Nodera et al, US Patent No. 5837757 and Tanaka et al, US Patent No. 5759671.

Fagerburg et al discloses a UV stabilized multi-layer structure which has a UV protective layer and an underlying polymeric layer. The polymeric layer is either a polyester or a polycarbonate. The UV protective layer, which is exposed to UV radiation and protects the polymeric layer, comprises a UV absorbing compound, an optical brightener and a polymeric base material of either a polyester, polycarbonate or acrylic. The polyester and polycarbonate structures containing UV absorbing compounds are typically used in sheet form. The sheetings which may be made from clear, (transparent), colored or pigmented polymers are disclosed by patentee as being employed in a variety of outdoor applications. Patentee further discloses that benzotriazoles, triazines and diphenylcyanoacrylates are useful as non-fluorescing UV stabilizers for the polyesters and polycarbonates of the invention while benzoxazinones are particularly useful as fluorescing compounds for various polymers of the invention including polyesters, polyamides, polycarbonates, polyolefins and polysulfones. Additional UV absorbing fluorescing compounds useful for the invention include those that result from the substitution of various

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functional groups onto the aromatic ring(s) of the benzazinone system. Patentee illustrates a variety of such optical brighteners at cols. 3-8 of the patent.

Gunther et al., US Patent No. 4,129,412 discloses benzoxazolyl derivatives that correspond directly to those of applicant's claims and are useful optical brighteners for polyesters. Gunther et al equates the benzoxazolyl derivatives of Fagerburg et al with those of applicant's claims. See col. 1, line 4 through col. 3, line 42. Martini et al also equates the optical brighteners. See col. 1, line 1 through col. 2, line 65.

The stilbene benzoxazolyl derivatives of Gunther et al are further disclosed by Nodera et al to be effective in polycarbonate resin compositions. See col. 3, line 40 through col. 6, line 53.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize the specific optical brighteners of Gunther et al in the polycarbonate compositions of Fagerburg et al since Gunther equates the optical brighteners with those of Nodera et al used specifically for polycarbonates.

Tanaka et al discloses ultraviolet luminescent retroreflective sheeting materials that include:

A retroreflective portion and

An ultraviolet luminescent portion

At least part of the ultraviolet luminescent portion is provided as a bonding line for bonding a transparent cover sheet to a support sheet. The support sheet used in the UV luminescent retroreflective sheeting of the invention may be formed of polyester resins.

A light-transmitting cover layer useful for the UV luminescent retroreflective sheeting of the invention and a light-transmitting surface-protective layer optionally laminated if necessary have a total light transmittance of at least 20%, preferably at least 40%. Patentee indicates that the resins are not particularly limited as to the types of materials that may be used. Suitable resins include polycarbonate resin film and polyester resin film. See the abstract and col. 2, lines 15-33 and col. 5, lines 20-59 and claim 24.

The formulation of polycarbonate and polyester multi layer articles that are transparent in nature is documented by Tanaka et al. Since Fagerburg et al refers to the formation of transparent polyester or polycarbonate articles it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to formulate a multi-layer polycarbonate or polyester article comprising an opticalbrightener of Fagerburg et al or equivalent optical brightener of either Gunther et al or Martini et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kriellion A. Sanders whose telephone number is 571-272-1122. The examiner can normally be reached on Monday through Thursday 6:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kriellion A. Sanders
Primary Examiner
Art Unit 1714

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